IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

| UNIYA SWAN-SULLIVAN, On Behalf of | |
|--|-------------------------------|
| Herself and All Others Similarly Situated, |) |
| Plaintiff, |)) |
| • |) CLASS AND COLLECTIVE ACTION |
| v. |) |
| |) CASE NO. 1:21-cv-314 |
| EAT DRINK HERE L.L.C. AND |) |
| CHARLES A. HODGE D/B/A |) JURY DEMAND |
| SOVEREIGN REMEDIES, |) |
| |) |
| Defendants. | |

<u>UNOPPOSED MOTION TO APPROVE FAIR LABOR STANDARDS ACT</u> SETTLEMENT AND TO VOLUNTARILY DISMISS RULE 23 CLASS CLAIMS

Defendants Eat Drink here L.L.C. and Charles A. Hodge d/b/a Sovereign Remedies and the Named Plaintiff Uniya Swan-Sullivan have reached a comprehensive settlement agreement (the "Agreement") in this matter. The Agreement is attached to the Memorandum in Support of this Motion as **Exhibit 1**. This agreement resolves the pending Fair Labor Standards Act ("FLSA") collective claims brought by Plaintiff against the Defendants and all state law claims that could have been brought with the FLSA claims, subject to this Court's approval.

Finally, Plaintiff moves this Court pursuant to Fed. R. Civ. P. Rule 23(e) to permit her to voluntarily dismiss her claims for class relief under the North Carolina state law. As explained in the accompanying Memorandum, the parties negotiated this resolution before any motion seeking certification as a class action was filed and, as a result, before any class was certified. Accordingly, Plaintiff seeks to dismiss her class claims without prejudice. Rule 23(e) permits such a dismissal where no class is certified or sought to be certified.

Defendants do not oppose this Motion. A proposed order is attached to this Motion. For the reasons set forth in the accompanying Memorandum, this Motion should be **GRANTED**.

Dated: September 13, 2022 Respectfully submitted,

/s/ David W. Garrison

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this *Unopposed Motion to Approve Fair Labor Standards Act Settlement and to Voluntarily Dismiss Rule 23 Class Claims* was filed electronically with the Clerk's office by using the CM/ECF system and served on the following counsel for Defendants as listed below on September 13, 2022:

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